

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDAN DRISCOLL,

Plaintiff,

v.

D. NEVEN, et al.,

Defendants.

Case No. 2:14-cv-01935-RCJ-NJK

ORDER

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a former state prisoner. In compliance with this Court's order, Plaintiff has submitted an application to proceed in district court without prepaying fees or costs following his release from prison. (ECF No. 26, 27). Based on the financial information provided, the Court grants Plaintiff leave to proceed without prepayment of fees or costs pursuant to 28 U.S.C. § 1915(a)(1).¹

On January 26, 2016, the Court entered a screening order. (ECF No. 14). The screening order imposed a 90-day stay and the Court entered a subsequent order assigning the case to mediation by a court-appointed mediator. (ECF No. 14, 22). The Office of the Attorney General has filed a status report indicating that settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 25).

IT IS THEREFORE ORDERED that:

1. Plaintiff's application to proceed in district court without prepaying fees or costs (ECF No. 27) is **GRANTED**.

¹ Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed in district court without prepaying fees or costs shall not extend to the issuance and/or service of subpoenas at government expense.

3. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy of Plaintiff's amended complaint (ECF No. 12) on the Office of the Attorney General of the State of Nevada, attention Kat Howe.

4. Subject to the findings of the screening order (ECF No. 14), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's Office shall file a notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants for whom it does not accept service, and (c) the names of the defendants for whom it is filing last-known-address information under seal. As to any of the named defendants for which the Attorney General's Office cannot accept service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such information.

5. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General has not provided last-known-address information, Plaintiff shall provide the full name and address for the defendant(s).

6. If the Attorney General accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the complaint within **sixty (60) days** from the date of this order.

7. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. Plaintiff shall include with the original paper submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice

1 of appearance, Plaintiff shall direct service to the individual attorney named in the notice of
2 appearance, at the address stated therein. The Court may disregard any paper received by
3 a district judge or magistrate judge which has not been filed with the Clerk, and any paper
4 received by a district judge, magistrate judge, or the Clerk which fails to include a certificate
5 showing proper service.

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7 Dated this 11th day of August, 2016.

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10 NANCY J. KOPPE
11 UNITED STATES MAGISTRATE JUDGE
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